

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

FRANCES W. STEINER

Claim No. CU-3164

Decision No. CU -677

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

Manuel Zaiac, Esq.

Appeal and objections from a Proposed Decision entered November 15, 1967.
No oral hearing requested.

Hearing on the record held on April 24, 1968

FINAL DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$145,000.00, was presented by FRANCES W. STEINER and is based upon the asserted loss of a one-half interest in certain real and personal property and upon the loss of certain accounts receivable. Under date of November 15, 1967, the Commission issued its Proposed Decision denying this claim on the ground that claimant failed to meet the burden of proof.

Claimant objected to the findings of the Commission and requested additional time in which to furnish evidence. An extension of time was granted. Subsequently, claimant submitted several affidavits in support of her claim. By letter of February 21, 1968, claimant, through her counsel, was advised that the affidavits were of insufficient probative value and was requested to submit certain clarifications and additional information.

The Commission has re-examined all of the evidence of record, including the newly submitted affidavits, and finds that the evidence is of insufficient probative value to establish the ownership, loss and value of the subject property.

Full consideration having been given to the entire record, including claimant's objections, it is

ORDERED that the Proposed Decision be and it is hereby affirmed.

Dated at Washington, D. C.,
and entered as the Final
Decision of the Commission

MAY 1 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

FRANCES W. STEINER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 3164

Decision No. CU - 677

Counsel for claimant:

Manuel Zaiac, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$145,000.00, was presented by FRANCES W. STEINER and is based upon the asserted loss of a one-half interest in certain real and personal property and accounts receivable. Claimant has been a national of the United States since her birth in the United States.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

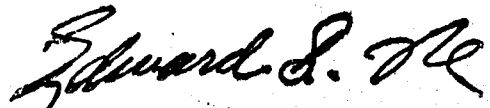
Claimant states that she is the owner of a one-half interest in a marble and a crushing plant, the personalty contained therein, personalty of a stainless steel plant, certain household furniture, an automobile and certain accounts receivable of the marble and the stainless steel plants and that all of the property was taken by the Government of Cuba. In support thereof, claimant has submitted copies of two letters from a person in Cuba written in 1961 concerning the claimed property, a certified copy of claimant's birth certificate and a copy of a Cuban Law. This evidence is insufficient by itself to make a favorable determination in this claim. By Commission letter of July 5, 1967, claimant was advised, through counsel, as to the type of evidence proper for submission to establish this claim under the Act. No response has been received to this letter. On August 29, 1967, counsel was invited to submit any evidence available to him within forty-five (45) days from that date,

and he was informed that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has since been submitted.

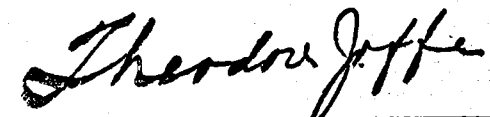
The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

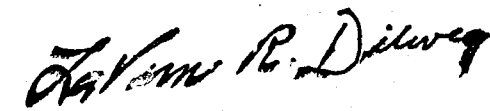
NOV 15 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

CU- 3164